IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

ARBITRATION PETITION NO.473 OF 2004

...

Sushil Naval Sanghvi ...Petitioner

v/s.

Kotak Securities Ltd. ...Respondent

...

Mr.R.S.Datar for the Petitioner.

Ms.Preeti Shah for the Respondent.

...

CORAM: D.K.DESHMUKH, J.

DATED: 19TH JANUARY,2005

P.C.:

1. By this petition the Petitioner challenges the award made by the sole-arbitrator dismissing the

claim made by the Petitioner.

2. From the petition, it appears that the Petitioner's claim against the Respondent is entirely based on Securities Borrowing Agreement dated 24th September, 2003. Perusal of the statement of claim submitted by the Petitioner, however, shows that there is not even a reference made to that agreement in the statement of claim and the case of the Petitioner as put in the statement of claim is not at all based on the agreement. In the absence of agreement the Petitioner has no claim against the Respondent. The Petitioner cannot be allowed to put up entirely new case before the Court in the petition. Petition has no substance. It is rejected.

...